

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF IMPLEMENTATION
OF A BATCH HOT CUT PROCESS**

CASE NO. 03-00403-UT

And

**IN THE MATTER OF IMPAIRMENT
IN ACCESS TO LOCAL CIRCUIT
SWITCHING FOR MASS MARKET
CUSTOMERS**

CASE NO. 03-00404-UT

**REBUTTAL TESTIMONY OF
DENNIS PAPPAS AND ROBERT WEINSTEIN
QWEST CORPORATION
FEBRUARY 17, 2004**

1 **Q. WHAT IS THE PURPOSE OF YOUR RESPONSE TESTIMONY?**

2 **A. The purpose of my response testimony is to adopt, in its entirety, the Direct**
3 **Testimony of Lynn Notarianni and the attached exhibits, filed on January 23, 2004.**
4 **In this testimony, Dennis Pappas and I are responding to the direct testimony on the**
5 **Batch Hot Cut Process ("BHCP") of Robert V. Falcone on behalf of AT&T**
6 **Communications, Tim Gates and Sherry Lichtenberg, jointly on behalf of**
7 **Worldcom, Inc. (MCI), and Michael Zulevic, on behalf of Covad Communications.**

8 **II. EXECUTIVE SUMMARY AND ORGANIZATION OF TESTIMONY**

9 **Q. PLEASE SUMMARIZE THIS TESTIMONY.**

10 **A. In our opening testimony, we described how Qwest worked with the CLECs**
11 **during the Batch Hot Cut Forum to reach agreement on the broad outlines of a**
12 **new, region-wide process for performing large quantities of hot cuts in the same**
13 **central office simultaneously and efficiently. We described how Qwest is**
14 **streamlining its loop-by-loop hot cut procedures, developing new automated**
15 **scheduling and notification tools at the CLECs' request, and working with the**
16 **CLECs to eliminate the redundant steps currently made necessary by the CLECs'**
17 **own failures to be ready on the day of cut. We also described the substantial**
18 **benefits that CLECs will realize as a result of these improvements: they will be**
19 **able to migrate significantly larger volumes of UNE-P lines to stand-alone**
20 **unbundled loops at the same time, and during off-hours when their customers'**

1 lines are unlikely to be in use; they will receive a fixed (and short) provisioning
2 interval for these large-scale migrations for the first time; they will have access to
3 electronic tools that eliminate much of the need for coordination and back-and-
4 forth communication with Qwest; and in virtually all states they will pay less for a
5 qualifying hot cut than they do today.

6 In their testimony, the CLECs flat-out declare that all of this work is
7 irrelevant, and that no matter what improvements Qwest adopts *or even could*
8 *adopt*, it will not be enough to eliminate mass-market impairment. AT&T's witness
9 says outright that there is *no possible* batch hot cut process Qwest could employ —
10 not even the very process envisioned by the FCC — that AT&T would find
11 sufficient.¹ AT&T therefore simply ignores the FCC's instructions for this docket
12 and instead advocates a pie-in-the-sky electronic loop provisioning proposal that the
13 *Triennial Review Order* explicitly rejected. MCI likewise suggests that any batch
14 hot cut process the Commission could adopt in response to the FCC's instructions
15 would simply be an interim "Transition" measure that could not eliminate
16 impairment until it is replaced by an electronic "Mass Market" process² — again,
17 notwithstanding the FCC's rejection of such a process. AT&T's and MCI's
18 insistence that there is *nothing* Qwest can do within the four corners of the
19 *Triennial Review Order* to eliminate impairment highlights that their real interest

¹ See Falcone Direct at 35:14-21; *id.* at 55:10-13 ("Even the best manual processes that could be operationalized today, including batch migration processes, cannot satisfy the requirements needed to eliminate the CLECs' operational impairment in attempting to compete for mass-market customers.").

² Gates/Lichtenberg Direct at 11:332-12:355.

1 lies in preserving UNE-P for as long as possible, not in developing a workable
2 batch hot cut process, and their evaluations of Qwest's proposed process should be
3 understood accordingly.

4 With respect to the particular impasse issues arising from the Batch Hot Cut
5 Forum, the list started off narrow and has become even narrower. The CLECs have
6 decided not to pursue a number of impasse issues in testimony, and Qwest has
7 agreed to remove others by adopting the CLECs' suggestions. Still other impasse
8 issues, related to particular OSS changes that CLECs wanted, have become moot as
9 a result of the normal operation of the Change Management Process (which is
10 where these issues belonged in the first place). As for the issues remaining at
11 impasse, the CLECs have, for the most part, simply asserted their positions without
12 any evidentiary support at all. This testimony addresses each such issue in turn.

13 **III. IMPASSE ISSUES**

14 **A. IMPASSE ISSUE P-3A (SCHEDULING BATCH HOT CUTS AT**
15 **ANY TIME OF THE DAY)**

16 **Q. PLEASE DESCRIBE ISSUE P-3A AGAIN.**

17 A. Qwest has proposed performing batch hot cuts from 3:00 AM to 11:00 AM,
18 scheduling all lifts and lays at the beginning of that window where possible,
19 followed by the rewiring for subsequent days' lifts and lays. Both the lifts and

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SWITCHING FOR MASS MARKET)	
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)	

**BATCH HOT CUT REBUTTAL TESTIMONY OF
MICHAEL ZULEVIC**

**FILED ON BEHALF OF
DIECA COMMUNICATIONS, INC.,
D/B/A COVAD COMMUNICATIONS COMPANY**

February 17, 2004

1 I. QUALIFICATIONS

2 Q. ARE YOU THE SAME MICHAEL ZULEVIC THAT FILED DIRECT
3 TESTIMONY ON BEHALF OF COVAD ON JANUARY 23, 2004?

4 A. Yes I am.

5 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

6 A. The purpose of my testimony is to respond to the testimony of Qwest witness
7 Dennis Pappas, and to correct certain factually inaccurate assumptions and
8 conclusions contained in his testimony. In so doing, my testimony will also
9 highlight the fact that it is imperative that Qwest's batch hot cut ("BHC") process
10 include all of the data migration scenarios I discussed in my Direct Testimony as
11 well as in this Rebuttal Testimony.

12 Q. MR. PAPPAS STATES THAT THE INCLUSION OF DATA IN THE BHC
13 PROCESS WILL MAKE THAT PROCESS TOO COMPLICATED. DO
14 YOU AGREE?

15 A. I couldn't disagree more strongly with Qwest's position that data should not be
16 included in the BHC process. As I discussed in my Direct Testimony, the delivery
17 of bundled voice and data services is the key to competition and success in the
18 telecommunications market. Coincidentally, I was reading a February 5, 2004,
19 article from Forbes.com, "Telecom's Bundles of Joy,"
20 (http://www.forbes.com/2004/02/05/cx_al_0205satellite_print.html) in which one
21 analyst was quoted as saying that "bundles are big winners with customers." More
22 importantly, though, another analyst made clear that "for the bundle to succeed, it
23 must appear seamless to the customer." See Exhibit MZ-1. That is exactly the
24 point that I wanted to make in my Direct Testimony – in order for competitors to

1 even have a shot at actually being competitive in the current telecommunications
2 marketplace, they must be able to provide smoothly, and without disruption, a
3 bundled voice and data service to new and existing customers. Without including
4 data in the BHC process, competitors will be deprived of the ability to seamlessly
5 and correctly provision or migrate service to their customers. The only winner in
6 that scenario is Qwest, which is probably why it's refusing to include data in the
7 BHC process.

8 **Q. QWEST CLAIMS THAT THE BHC PROCESS SHOULD ONLY INCLUDE**
9 **VOICE CUSTOMERS BECAUSE THE FCC ONLY DISCUSSED VOICE**
10 **CUSTOMERS IN CONNECTION WITH THE BHC ISSUE. DO YOU**
11 **AGREE?**

12 **A.** Neither Mr. Pappas nor I are FCC commissioners, so I really don't think that Mr.
13 Pappas -- or myself, for that matter -- can state fairly or authoritatively what the
14 FCC meant by some portion of the TRO. Setting that aside, I just don't think that
15 the TRO states what Qwest wants it to state.

16 First, we can all pick and choose our favored excerpts from the TRO. But,
17 regardless of where I look in the TRO, I do not see any specific exclusion of data
18 from the BHC process. To the contrary, I see any number of references by the
19 FCC to the establishment of a process that is efficient in cutting over loops from
20 one switch to another, no more and no less. For instance, in the Triennial Review
21 Order ("TRO") at Footnote 1574, when discussing the need to review the ILECs
22 BHC processes, the FCC states that "this review is necessary to ensure that
23 customer loops can be transferred from the incumbent LEC main distribution
24 frame to a competitive LEC collocation as promptly and efficiently as incumbent

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REBUTTAL TESTIMONY

OF

ROBERT V. FALCONE

ON BEHALF OF

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.

HOT CUT AND BATCH MIGRATION PROCESSES

February 17, 2004

**NMPRC
STAFF EXHIBIT**

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME FOR THE RECORD.**

3 A. My name is Robert V. Falcone

4 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5 A. I am a self-employed telecommunications and management consultant retained by
6 AT&T to assist with its efforts on the Triennial Review Order ("TRO") hearings
7 in the states.

8 **Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN CONNECTION**
9 **WITH THIS PROCEEDING?**

10 A. Yes. On January 23, 2004, I filed direct testimony on Qwest's hot cut and batch
11 migration process. Additionally on February 16, 2004, I filed direct testimony on
12 the hot cut process in general and on network architecture.

13 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

14 A. My testimony responds to the testimony filed on January 23, 2004, by Qwest
15 witnesses Dennis Pappas, Lynn Notarianni, Teresa K. Million and Lorraine
16 Barrick.¹

17 **Q. BRIEFLY DESCRIBE WHAT THE TESTIMONY OF EACH OF THESE**
18 **WITNESSES ADDRESSED.**

19 A. Mr. Pappas and Ms. Notarianni, who filed joint testimony, describe the current
20 hot cut process, Qwest's proposed batch hot cut process ("BHC") and the

¹ Ms. Barrick's testimony and her report are attached to Mr. Pappas and Ms. Notarianni's joint testimony as Exhibit DP-25.

1 Operational Support Systems ("OSS"), both existing and planned, that are
2 associated with these processes. I will refer to this piece of testimony as the "joint
3 testimony." Ms. Million's testimony discusses the cost study used to support
4 Qwest's batch hot cut rates and the hot cut volumes Qwest estimates it will face
5 based on a finding of non-impairment by this Commission. Finally, the testimony
6 of Ms. Barrick, who is consultant working with Hitachi Consulting, discusses the
7 review and test of Qwest's proposed batch hot cut process that was conducted by
8 Hitachi.

9 **Q. WILL YOU BE ADDRESSING ALL ASPECTS OF THE TESTIMONY OF**
10 **THE THREE QWEST WITNESSES?**

11 **A.** No. I will not be addressing the cost study details found in the testimony of Ms.
12 Million. This section of her testimony will be addressed by AT&T witness
13 Arleen M. Starr.

14 **Q. HOW IS YOUR TESTIMONY ORGANIZED?**

15 **A.** Generally, I have broken my testimony down by witness and subject category. In
16 Section II of my testimony I will address Qwest joint testimony; in section III I
17 will address the testimony of Qwest witness Million, and in Section IV I will
18 address the testimony of Ms. Barrick. There are times however that it will be
19 necessary to discuss the testimony of multiple Qwest witnesses in the same
20 section.

21 **II. QWEST'S JOINT TESTIMONY ON THE HOT CUT**
22 **PROCESS AND OSS**

1 Q. WHAT IS YOUR OVERALL IMPRESSION OF QWEST'S JOINT
2 TESTIMONY ON THE BATCH HOT CUT (BHC) PROCESS?

3 A. The Qwest witnesses seem to jump to the conclusion that simply because "Qwest
4 and the CLECs were able to reach agreement on the broad outlines of a new BHC
5 process and most of the operational details"² that Qwest's proposed BHC process
6 has eliminated the operational impairment associated with migrating customers
7 from one local carrier to another local carrier using the manually intensive hot cut
8 process. As demonstrated in my direct testimony, and as I will demonstrate in
9 this testimony, this is not the case at all. Agreements by the competitive local
10 exchange carriers ("CLECs") to changes of a process that was, and continues to
11 be, a labor intensive manual process does not permit Qwest to take the quantum
12 leap that its proposed process has eliminated the operational and economic
13 barriers to competition associated with the hot cut process.

14 Q. WHY DO YOU STATE THAT QWEST'S PROPOSED PROCESS DOES
15 NOT ELIMINATE ANY OF THE ECONOMIC OR OPERATIONAL
16 BARRIERS THAT WERE RECOGNIZED BY THE FEDERAL
17 COMMUNICATIONS COMMISSION?

18 A. The Federal Communications Commission ("FCC") envisioned a timely,
19 seamless, low cost process that would allow CLECs to economically serve a
20 market that is characterized by low margins.³ As I will demonstrate, Qwest's
21 BHC proposal accomplishes none of these objectives.

² Qwest joint testimony at 10.

³ TRO, ¶¶ 423, 474 and 488.

1 consider this test as a baby step in the right direction and order Qwest to perform
2 a meaningful test of its process once it is fully developed and available for such a
3 test. Additionally, this test should be one that is fully designed and executed by
4 an independent third party and not by Qwest.

5 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

6 A. The BHC process being proposed by Qwest does not meet any of the timeliness,
7 seamlessness or low cost objectives the FCC intended it to achieve. In addition,
8 there remain numerous unresolved flaws with the process which make it all the
9 more likely that CLECs will not use it for the migration of mass market
10 customers. Additionally, Qwest has obviously given very little thought and effort
11 to a methodology it can use to accurately assess future hot cut volumes or to a
12 method with which a true test of the capabilities of its proposed BHC process can
13 be conducted. As a result of all of these shortcomings, this Commission should
14 not approve the process being put forth by Qwest and should order it to go back to
15 work with the CLEC community on a process that will satisfy the objectives that
16 the FCC set out.

17 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

18 A. Yes it does.

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Case No. 03-00404-UT

REBUTTAL TESTIMONY

OF

ARLEEN M. STARR

ON BEHALF OF

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.

HOT CUT AND BATCH MIGRATION PROCESSES

February 17, 2004

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1 and capital budgets. From 1986 to 1990, I held various positions in the Financial
2 Regulatory Department in Chicago. My responsibilities included intrastate
3 financial analysis and providing reports and data to the regulatory commissions in
4 the Central Region. From 1992 to 1996, I worked in the product equipment
5 business, with financial responsibilities in the product management, sales, and
6 service areas. I assumed my current responsibilities in May of 1996.

7 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

8 A. The purpose of my testimony is to comment on the Qwest proposed batch hot cut
9 nonrecurring charges ("NRCs"), provide the Commission with an analysis of the
10 Qwest cost studies filed in support of the proposed NRCs and provide AT&T's
11 recommendation on the appropriate rates for the Qwest proposed batch hot cut
12 process. Generally, Qwest's cost study includes unnecessary steps, redundant
13 activities, excessive time estimates which should be reduced, an inappropriate
14 level of flow through and overstated annual cost factors. The result of the
15 problems identified in Qwest's batch hot cut cost study is that the proposed rate
16 for each state is significantly overstated.

17 **II. COST ANALYSIS OF THE QWEST PROPOSED BATCH**
18 **HOT CUT PROCESS**

19 **A. Qwest Proposed Rates**

20 **Q. WHAT INFORMATION HAS QWEST FILED IN SUPPORT OF ITS**
21 **PROPOSED BATCH HOT CUT RATE?**

1 batch, thus reducing the likelihood of a supplemental order. Qwest's probabilities
2 that a supplemental order or a throw back will be required appear to be overstated,
3 adding unnecessary costs to the batch hot cut NRC. Qwest simply has not
4 provided a sufficient basis for the probabilities.

5 **III. SUMMARY AND CONCLUSION**

6 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.**

7 **A.** Qwest's proposed batch hot cut rates as filed should not be approved; this
8 includes Qwest's attempt to recover its unsubstantiated OSS costs for the batch
9 hot cut process. The commission should require Qwest to provide adequate
10 supporting documentation and make appropriate adjustments to the batch hot cut
11 costs as outlined in my testimony to establish a TELRIC-based rate. This is
12 necessary in order to comply with the FCC directive of reducing per-line costs or
13 providing volume discounts in order to allow competitive entry via facilities
14 based competition for the mass market. Without such adjustments any attempt at
15 competition via UNE loops to serve the mass market will fail, or worse yet,
16 competitors will not even attempt to serve the mass market, leaving customers
17 with no competitive alternative. If the Commission believes it must adopt some
18 rate as part of this proceeding, any rate it adopts should be interim subject to true
19 up until the Commission can spend sufficient time to review Qwest's cost studies
20 and adopt a permanent rate.

21 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

22 **A.** Yes.

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JOINT REBUTTAL TESTIMONY

Of

SHERRY LICHTENBERG and TIMOTHY J GATES

On behalf of

WORLDCOM, INC. ("MCI")

February 17, 2004

1 **I. INTRODUCTION**

2
3 **Q. MS. LICHTENBERG, PLEASE STATE YOUR NAME, OCCUPATION**
4 **AND EMPLOYER FOR THE RECORD.**

5
6 **A.** My name is Sherry Lichtenberg. I am currently employed by MCI as Senior
7 Manager, Operational Support Systems Interfaces and Facilities Development.

8 **Q. MR. GATES, PLEASE STATE YOUR NAME, OCCUPATION AND**
9 **EMPLOYER FOR THE RECORD.**

10 **A.** My name is Timothy J Gates. I am a Senior Vice President with QSI Consulting.

11 **Q. ARE YOU THE SAME MS. LICHTENBERG AND MR. GATES WHO**
12 **FILED DIRECT TESTIMONY IN THIS PROCEEDING?**

13
14 **A.** Yes.

15 **II. PURPOSE AND BACKGROUND**

16
17 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

18 **A.** The purpose of our rebuttal testimony is fourfold:

19 (1) We describe the FCC requirements for batch hot cut ("BHC") rates
20 and show that Qwest's rates are excessive;

21
22 (2) We address the testimony of the Qwest witnesses and show that their
23 claims are unsupported and that Qwest's batch hot cut proposal is
24 insufficient to remove the finding of impairment,

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26 (3) We recommend changes to Qwest's proposal that would permit the
27 removal of the impairment finding under certain circumstances that we
28 identify; and

29
30 (4) We recalculate the rates for the per loop install BHC process using
31 more reasonable assumptions.

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33 Mr. Gates will also focus on the Qwest cost studies and making
34 adjustments to those studies such that the resulting rates are compliant with
35 TELRIC principles.

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III. SUMMARY OF CONCLUSIONS

Q. CAN YOU BRIEFLY SUMMARIZE YOUR PRIMARY CONCLUSIONS?

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A. Yes. Our primary conclusions can be categorized and summarized as follows:

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- MCI is pleased that Qwest that agreed to implement several of the CLEC suggestions emanating from the BHC Forum. The Commission must note, however, that these are agreements only and that the BHC process does not yet exist until the software is developed, installed and tested under commercial volumes;
- Qwest inappropriately includes the cost of disconnecting a customer in its cost study. If Qwest is allowed to impose such charges on CLECs, then CLECs must be allowed to impose those same charges on Qwest;
- Qwest inappropriately includes system enhancement costs in its calculation of nonrecurring costs and rates;
- Qwest fails to incorporate the efficiencies of available technologies in its cost studies and thereby overstates the cost of converting a UNE-P customer to UNE-Loop architecture;
- We recalculate the per loop rates based on TELRIC compliant assumptions and costs;
- We recommend a competitively neutral funding mechanism to allow Qwest to purchase and deploy the most efficient frame automation technologies that will ultimately allow loop portability sufficient to encourage effective competition in the absence of unbundled local switching ("ULS").

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IV. BATCH HOT CUT PROCESS

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Q. YOU MENTIONED THAT MCI IS PLEASED WITH QWEST'S AGREEMENTS TO MODIFY THE PROPOSED PROCESS. IS THAT AGREEMENT SUFFICIENT TO MEET THE REQUIREMENTS OF THE FCC?

A. No. At ¶460 of the *Triennial Review Order* the FCC provided the following direction to the states:

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IN THE MATTER OF IMPLEMENTATION)
OF A BATCH CUT PROCESS) Case No. 03-00403-UT

REBUTTAL TESTIMONY

OF

MICHAEL S. RIPPERGER

FEBRUARY 17, 2004

REBUTTAL TESTIMONY OF
MICHAEL S. RIPPERGER
CASE NOS. 03-00403-UT and 03-00404-UT

1 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

2 A. My testimony responds to the Prepared Direct Testimonies filed by Qwest
3 Corporation, Inc. (Qwest) witnesses Dennis Pappas, Lynn Notarianni, and Teresa
4 K. Million; the Joint Direct Testimonies of Sherry Lichtenberg and Timothy J.
5 Gates of Worldcom, Inc. (MCI); the Direct Testimony of Robert V. Falcone of
6 AT&T Communications (AT&T); and the Direct Testimony of Michael Zulevic
7 of Covad Communications Company (Covad) regarding the Batch Hot Cut
8 Process (BHCP) in this case filed on January 23, 2004.

9
10 **Q. WHY HAS STAFF CHOSEN NOT TO FILE DIRECT TESTIMONY WITH**
11 **REGARD TO THE PROPOSED BATCH HOT CUT PROCESS IN THIS**
12 **CASE?**

13 A. Staff believed its testimony would be most useful after the parties brought forth
14 the issues relevant to them in order for Staff to better evaluate these issues and
15 develop its position regarding these issues.

16
17 **Q. PLEASE SUMMARIZE STAFF'S RECOMMENDATIONS IN THIS CASE.**

18 A. Because Qwest's proposed Batch Hot Cut Process has not been completely
19 designed, implemented or approved by the Commission, Staff recommends that
20 the Commission set interim rates for any Batch Hot Cut Process it approves
21 subject to a permanent rate proceeding based on the Commission's determinations
22 regarding TELRIC based rates. Staff also recommends that any changes to

REBUTTAL TESTIMONY OF
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1 Qwest's current operational support systems (OSS) resulting from a Commission
2 approved Batch Hot Cut Process be ordered by the Commission as regulatory
3 change requests (CRs) for priority processing through Qwest's current Change
4 Management Process (CMP). Staff recommends that the Batch Hot Cut Process
5 undergo testing prior to its implementation, or at a minimum, prior to a
6 Commission finding of no impairment in any New Mexico market. In addition,
7 Staff recommends that the Commission order Qwest to address the
8 implementation of new Performance Indicator Definitions (PIDs) through the
9 Long Term PID Administration (LTPA) to track Qwest's Batch Hot Cut Process
10 performance and that the Commission order corresponding changes to Qwest's
11 New Mexico Performance Assurance Plan (QPAP) to ensure self-executing
12 penalties for failure to meet performance standards.

13 In addition to the above general recommendations which are based on the
14 undefined status of any Commission approved Batch Hot Cut Process, Staff
15 makes a few specific recommendations regarding outstanding Batch Hot Cut
16 Process issues.

17
18 **Q. PLEASE DESCRIBE WHAT IS MEANT BY A "BATCH HOT CUT**
19 **PROCESS" (BHCP).**

20 **A.** A "hot cut" is the physical movement of a customers' phone line (loop) from one
21 carrier's switch to placement on another carrier's switch (lift and lay). After the
22 phone line has been transferred to the new switch, the customer's telephone

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1 migration until they are fixed, or 3) giving the green light to move forward with
2 migrations to meet the first migration phase where one-third of embedded UNE-P
3 lines must be migrated.
4

5 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

6 A. Staff recommends the Commission set interim rates for any BHCP it approves
7 subject to a permanent rate proceeding based on the Commission's determination
8 regarding TELRIC based rates. Since the BHCP will be substantially untested,
9 Staff recommends the Commission approve the BHCP on an interim basis and
10 suspend final approval until some actual central office migration data is available
11 from other states, or other actual BHCP test results as approved by the
12 Commission. Staff also recommends that any changes to Qwest's OSS systems
13 as a result of the BHCP be ordered as regulatory change requests through the
14 Change Management Process and prioritized for completion in time for the FCC's
15 mandated migration period. Also, Staff recommends that the Commission order
16 Qwest to address the development and implementation of new PIDs through the
17 LTPA in order to track Qwest's performance in administering the BHCP and
18 ensure self-executing penalties for failure to meet performance standards in the
19 QPAP.

20 Staff also has serious concerns with respect to Qwest's ability to migrate the
21 volume of IDLC UNE-P lines during the 27 month FCC mandated migration
22 period should a finding of no impairment be found in any Commission defined

REBUTTAL TESTIMONY OF
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1 market in New Mexico. Staff is also concerned that CLECs will face economic
2 impairment issues should UNE-P IDLC lines be migrated through the more
3 expensive Commission approved hot cut processes. Staff would prefer that line-
4 shared loops be included in the BHCP if operationally and technically prudent.
5 Lastly, Staff recommends that the Commission defer to states with higher
6 volumes and similar BHC Processes in setting a maximum per central office limit
7 and recommends that more specific costing information be provided to further
8 analyze the minimum number in a batch for the BHCP.

9
10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A. Yes.**

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LIST OF PRE-FILED TESTIMONIES IN NMPRC CASE NO. 04-00404-UT

PARTY	TESTIMONY
Qwest	Direct Testimony of Bryon S. Watson Qwest Corporation, February 16, 2004
Qwest	Direct Testimony of Harry M. Shooshan III Qwest Corporation, February 16, 2004
Qwest	Direct Testimony of Nita A. Taylor on Behalf of Qwest Corporation, February 16, 2004
Qwest	Direct Testimony of Robert J. Hubbard Qwest Corporation, February 16, 2004
Qwest	Direct Testimony of William R. Easton Qwest Corporation, February 16, 2004
Qwest	Direct Testimony of Philip Linse Qwest Corporation, February 16, 2004
Covad	Direct Testimony of Michael Zulevic Filed on Behalf of Dieca Communications, Inc., D/B/A Covad Communications Company, February 9, 2004
AT&T	Direct Testimony of John F. Finnegan on Behalf of AT&T Communications of the Mountain States, Inc. ("AT&T") Policy and Introduction, February 16, 2004
AT&T	Direct Testimony of William H. Lehr and Lee L. Selwyn on Behalf of AT&T Communications of the Mountain States, Inc. Economic Considerations, February 16, 2004
AT&T	Direct Testimony of Arleen M. Staff on Behalf of AT&T Communications of the Mountain States, Inc. Establishing the Cross Over Point Between the Mass Market and the Enterprise Market, February 16, 2004
AT&T	Direct Testimony of Douglas Denney on Behalf of AT&T Communications of the Mountain States, Inc. DSP Cost Tool, February 16, 2004
AT&T	Direct Testimony of Michael R. Baranowske on Behalf of AT&T Communications of the Mountain States, Inc. Business Case, February 16, 2004
AT&T	Direct Testimony of Robert V. Falcone on Behalf of

LIST OF PRE-FILED TESTIMONIES IN NMPRC CASE NO. 04-00404-UT

	AT&T Communications of the Mountain States, Inc. Network Architecture, February 16, 2004
MCI	Direct Testimony of Timothy J Gates Operational Impairment on Behalf of Worldcom, Inc. ("MCI"), February 16, 2004
MCI	Direct Testimony of Richard Cabe on Behalf of Worldcom, Inc. ("MCI"), February 16, 2004
MCI	Direct Testimony of Cedric Cox on Behalf of Worldcom, Inc. ("MCI"), February 16, 2004
AARP	Direct Testimony of Ben Johnson, Ph.D. Ben Johnson Associates, Inc. on Behalf of AARP, March 1, 2004
New Mexico A.G.	Direct Testimony of David Brevitz on Behalf of the New Mexico Attorney General, March 1, 2004
NMPRC Staff	Direct Testimony of Michael S. Ripperger, March 3, 2004